

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/700,737	08/15/96	PUNATH	LKS95-10 1855.1017-000

DAVID E BROOK
HAMILTON BROOK SMITH & REYNOLDS
TWO MILITIA DRIVE
LEXINGTON MA 02173

HM11/0511

EXAMINER

GAMBLE, P

ART UNIT

PAPER NUMBER

1644

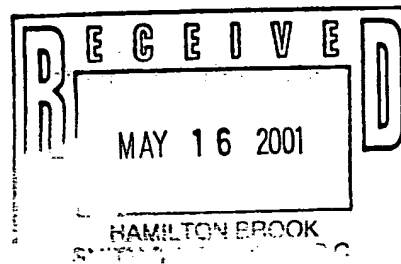
DATE MAILED:

05/11/01

RECEIVED
FED 11JLOI
(FEB 11DEOI)

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks





RECEIVED
JAN 07 2002
TECH CENTER 1600/2900

DATE MAILED:

NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA)
Filing Date Granted

The Continued Prosecution Application (CPA) request filed on 04-02-04 is entitled to a filing date under 37 CFR 1.53(d)(1). The CPA request, however, lacks the filing fee(s) and/or items indicated below.

Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file the fee(s), item(s), and any surcharge required below to avoid abandonment of this CPA. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below.

- ☒ 1. The statutory basic filing fee is:
☒ missing.
☐ insufficient.

(a) Applicant must submit \$ 710 to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$ _____ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)).

(b) Applicant must submit \$ _____ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e).

- ☒ 2. Additional claim fees of
\$ _____ (non-small entity) or \$ _____ (small entity) for _____ independent claims over 3.
\$ 1 (non-small entity) or \$ 1210 (small entity) for _____ claims over 20.
\$ _____ (non-small entity) or \$ _____ (small entity) for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
☐ 4. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request.
☐ 5. Other: _____

A copy of this Notice MUST be returned with the reply.

Direct the reply and any questions about this Notice to:

Kaoul Amour

Examining Group 1604

(703) 30 6-4085

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

FEE TRANSMITTAL FOR PATENT APPLICATIONS

JAN 02 2002

Attorney Docket Number

1855.1017-000

Application Number

08/700,737

First Named Inventor

Paul D. Ponath

TECH CENTER 160012900

JAN 07 2002

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CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		37 - 20* =	17	x \$ 18 =	\$ 306
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		9 - 3** =	6	x \$ 84 =	\$ 504
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 280 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 740
				Total of above Calculations =	\$ 1550
				Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =	\$
				TOTAL =	\$ 1550
				Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =	\$ 130
				Petition for Extension of Time Fee (37 C.F.R. 1.17) =	\$ 1440
				Assignment Recordation Fee = (only when filed with application)	\$
				TOTAL =	\$ 3120

* Reissue claims in excess of 20 and over original patent
** Reissue independent claims over original patent

1. Small entity status:

01/04/2002 BNGUYEN1 00000125 08700737

02 FC:131
03 FC:103
04 FC:102

740.00 OP
306.00 OP
504.00 OP

a. ☐ A small entity statement is enclosed.

b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.

c. ☐ Is no longer claimed.

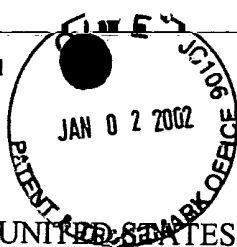
Repln. Ref: 01/04/2002 BNGUYEN1 0022174500
DAH:080380 Name/Number:08700737
FC: 704 \$130.00 CR

2. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

3. ☒ A check is enclosed for \$3120.00. ☐ Please charge \$[] to Deposit Account No. 08-0380.

4. ☒ Other: Preliminary Amendment, copy of ATCC Deposit receipt, Statement Under 37 C.F.R. § 1.806 and § 1.808, Statement Under 37 C.F.R. § 1.804(b), Declaration of Walter Newman, Ph.D. Under 37 C.F.R. § 1.132, Declaration of Robert B. Colvin, M.D. Under 37 C.F.R. § 1.132 and Declaration of Barry Coughlin Under 37 C.F.R. § 1.132, Information Disclosure Statement with Form PTO-1449 (1 page) and copy of ref AU5.

Signature	<i>Robert H. Underwood</i>	Date	November 12, 2001
Submitted by Typed or Printed Name	Robert H. Underwood	Reg. Number	45,170



1644

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

JAN 0 7 2002

RECEIVED

Applicants: Paul D. Ponath, Douglas J. Ringler, S. Tarran Jones, Walter Newman,
José Saldanha and Mary M. Bendig
Application No.: 08/700,737 Group: 1644
Filed: August 15, 1996 Examiner: P. Gambel
For: HUMANIZED IMMUNOGLOBULIN REACTIVE WITH $\alpha 4\beta 7$
INTEGRIN

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>11.12.01</u>	<u>Danielle D. Gath</u>
Date	Signature
<u>Danielle D. Gath</u>	
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Notice to File Missing Parts dated May 11, 2001, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

[] **EXECUTED DECLARATION/POWER OF ATTORNEY**
(Separate transmittal letter and postcard not required)

[X] **PRELIMINARY AMENDMENT**
(Separate transmittal letter and postcard not required)

01/04/2002 BNGUYEN1 00000125 08700737

01 FC:118

1440.00 0P

☒ **FILING FEE** - with Fee Transmittal for Patent Applications in duplicate.

Fee calculations based on:

☐ Claims as originally filed.

☒ Claims upon entry of the Preliminary Amendment filed herewith.

(Separate transmittal letter and postcard not required)

☒ **SURCHARGE** - surcharge fee of \$130.00.

(Separate transmittal letter and postcard not required)

☐ **SEQUENCE LISTING** - Filed concurrently and is attached.

(Separate transmittal letter and postcard required)

☐ **TRANSMITTAL OF SUBSTITUTE DRAWINGS**

☐ Sheets of substitute drawings consisting of Figs. 1 - ☐ are enclosed.

(Separate transmittal letter and postcard not required)

☒ **PETITION FOR EXTENSION OF TIME**

☒ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated May 11, 2001 for four months from July 11, 2001 to November 11, 2001. The appropriate fee of \$1,440.00 is included in the enclosed check.

☐ A ☐ month extension of time to respond to the Notice to File Missing Parts dated ☐ was filed on ☐ with payment of a \$☐ fee.

☐ Applicant hereby petitions for an additional ☐ month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$☐ is included in the enclosed check.

(Separate Petition for Extension of Time and postcard not required)

☐ **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached.

(Separate transmittal letter and postcard required)

☐ **STATEMENT CLAIMING SMALL ENTITY STATUS**

☐ Was filed on ☐.

☐ Is enclosed herewith.

(Separate transmittal letter and postcard not required)

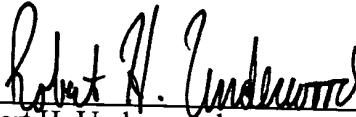
☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$☐ which were paid on ☐ to be deposited in Deposit Account No. 08-0380.

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$3,120.00. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By



Robert H. Underwood

Registration No.: 45,170

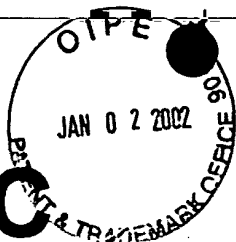
Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: *November 12, 2001*

ATCC



10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

Millennium Pharmaceuticals, Inc.
Attn: Shixin Qin
640 Memorial Dr.
Cambridge, MA 02139

COPY

Deposited on Behalf of: Millennium Pharmaceuticals, Inc.

Identification Reference by Depositor:

Hybridoma producing monoclonal antibody against human
alpha-4/beta-7: ACT-1 #39

Patent Deposit Designation

PTA-3663

The deposit was accompanied by: a scientific description a proposed taxonomic description indicated above.

The deposit was received August 22, 2001 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested September 5, 2001. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Date: September 7, 2001

Tanya Nunnally, Patent Specialist, Patent Depository

cc: Jean M. Silveri